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ABSTRACT

This workbook is designed to serve primarily as an information-gathering device and educational tool for citizens interested in eliminating sexism in public elementary and secondary schools. Although it is not intended specifically for use by school administrators, school officials may find it a useful self-evaluation guide for identifying and correcting discriminatory policies and practices. Chapter 1 summarizes legal provisions prohibiting sex discrimination in education and discusses possible alternatives for persuading or compelling a school district to comply with legal requirements. Chapter 2 discusses from both practical and legal points of view how to obtain various school materials and data necessary for monitoring compliance. Chapters 3 and 4 consist of checklists and other documents for use in determining whether a school district is meeting its obligations under Title IX of the Education Amendments of 1972 and related state regulations. Portions of the workbook specifically address situations in New Jersey and may not be applicable elsewhere; however, most of the content will be equally useful to citizens in other states. (Author/JG)

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ELIMINATING SEXISM IN PUBLIC SCHOOLS

A WORKBOOK FOR ACTION

February 1976

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Education Law Center, Inc.

EA 008 342

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Peg Gieber
Director of Research
and Special Projects

INTRODUCTION

With the passage of Title IX of the federal Education Amendments of 1972, equal educational opportunity for women became the "law of the land." It is unlikely, however, that the promise of this law and its implementing regulation, or that of the similar laws and regulations adopted by many states, will become reality unless there is active community involvement in monitoring school district compliance.

The purpose of this workbook is to provide those concerned about eliminating sexism in public schools with a tool for becoming involved in this difficult but important type of community action. Although in format the workbook is designed primarily as an information-gathering device, it may serve other purposes as well depending on who uses it and how. Some may find it useful as an educational tool for raising community awareness of sexist attitudes, behaviors, and practices which exist in and are perpetuated by the schools. Others may use it as a tool to stimulate dialogue and cooperation between the community and the school to promote true equality of the sexes in education. Moreover, even though the workbook is not intended specifically for use by persons involved in the administration of a school, school officials may find it to be a valuable self-evaluation guide for identifying and correcting discriminatory policies and practices in the classroom and in employment.

The workbook is organized into four chapters. The first chapter provides a list in summary form of legal provisions prohibiting sex discrimination in education. The chapter also includes a discussion of the alternatives which readers might adopt to persuade or compel a school district to comply with federal and state requirements. Some of the pros and cons for each alternative are presented, but, as is true throughout the workbook, the reader is left to choose the course of action which best suits the situation.

The second chapter is devoted to a discussion, from both practical and legal points of view, of how to obtain various school district materials and data necessary for monitoring compliance. It covers in some detail the strategies for obtaining information and discusses what to do if efforts are met with resistance.

The last two chapters really give this booklet its character as a "workbook;" they consist of a series of checklists for use in determining whether a school district is meeting its obligations under the Title IX regulation and related state regulations. Chapter 3 focuses on monitoring first-year compliance activities and on evaluating a school district's affirmative action plans for school and classroom practices, and for employment practices. Chapter 4 is designed to assist readers in determining whether a school district is taking immediate and long-range corrective actions to ensure permanent and full compliance. Two checklists are provided as guides to pinpoint specific areas of noncompliance; once again, there is one for school and classroom practices, and one for employment. A checklist for evaluating textbooks is also included.

Two final points concerning limitations of the workbook deserve mention. First, the workbook is limited in its scope to monitoring compliance on the elementary and secondary public school levels. It is not applicable to institutions of post-secondary education, even though they may be affected by the Title IX regulation. Second, because this project was originally under-

taken in connection with New Jersey state regulations at the request of several New Jersey feminist groups, portions of the workbook are addressed specifically to situations in New Jersey and are not applicable elsewhere. Footnotes throughout the text call attention to this fact and suggest that readers in other states obtain comparable state information from local sources. With these caveats, though, the workbook is generally applicable to all public schools in the country receiving federal education funds.

It will take more than just the use of this workbook to guarantee true equality of the sexes in public schools. The dissemination and use of workbooks such as this, however, are important first steps toward involving the entire community in the process of monitoring compliance with federal and state requirements and, in turn, toward completely eliminating sexism in public schools.

CHAPTER 1

THE LEGAL BASIS AND ALTERNATIVE AVENUES FOR REDRESS FOR ELIMINATING SEXISM IN SCHOOLS

Before undertaking activities to monitor compliance with federal and state regulations, it is helpful to be informed about the legal basis for eliminating sexism in the schools and the legal avenues available for redress of sex discrimination complaints. The intent of this chapter is to serve both of these functions.

The first section of the chapter provides in summary form a listing of the major federal and New Jersey state provisions prohibiting sex discrimination in education.[1] The second section is a discussion of the alternative legal avenues for redress and some of their advantages and disadvantages. Also included in this chapter is a listing of contact persons at each of the relevant enforcement agencies.

LEGAL BASIS

Listed below in summary form are the federal and New Jersey state provisions related to the prohibition of sex discrimination in schools. Federal provisions include the United States Constitution, federal laws and regulations, and a federal executive order. The New Jersey state provisions include the State Constitution, state laws and regulations, and a State Board of Education resolution.

Federal Provisions

1. United States Constitution, Amendment XIV, Section 1

> "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

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[1] Readers from states other than New Jersey should supplement this section by obtaining a list of relevant state provisions for their state.

2. Title IX of the Education Amendments of 1972 (20 USC Sections 1681-86)

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . ."

Detailed regulations for carrying out the provisions of Title IX were promulgated in final form on July 21, 1975; they appear at 45 CFR Part 86.

Enforcement Agency: Office for Civil Rights, Department of Health, Education and Welfare

3. Equal Pay Act of 1963 of the Fair Labor Standards Act (29 USC Section 206)

This Act, as amended by the Education Amendments of 1972, requires that employees performing work in the same establishment under similar conditions receive the same pay, if their jobs require equal skill, effort, and responsibility.

Enforcement Agency: Wage and Hour Division, Department of Labor

4. Title VII of the Civil Rights Act of 1964 (42 USC Section 2000e et seq.)

This Act, as amended by the Equal Employment Opportunity Act of 1972, forbids discrimination on the basis of sex in all aspects of employment, including recruitment, hiring, firing, layoff and recall, terms and conditions of employment, wages, promotion, and others.

Enforcement Agency: Equal Employment Opportunity Commission

5. Executive Order 11246, as amended by Executive Order 11375

This Order prohibits discrimination on the basis of sex in employment, but is limited to institutions with federal contracts or grants of over $10,000. This Order became effective on October 13, 1968.

Enforcement Agencies: Office for Civil Rights, Department of Health, Education and Welfare;
Office of Federal Contract Compliance, Department of Labor

New Jersey State Provisions

1. New Jersey Constitution, Article 8, Section 4, Para. 1

   "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen."

2. New Jersey Constitution, Article 1, Para. 1

   "All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness."

3. New Jersey State Statute Ensuring Equality of Compensation for Male and Female Teachers (NJSA 18A:29-2)

   "Female teaching staff members in the public schools shall be paid compensation equal to that paid to male members holding similar positions and employments and having similar training and terms of service."

   This law became effective in 1942 and was amended in 1945.

   Enforcement Agencies: State Department of Education;
   Division on Civil Rights,
   State Department of Law and Public Safety

4. New Jersey State Law Against Discrimination (NJSA 10:5-1 et seq.)

   This law provides that all persons shall have equal opportunity to obtain all accommodations, advantages, facilities, and privileges of any educational institution under the supervision of the State Board of Education, and forbids discrimination against any person in compensation, in terms, conditions, or privileges of employment. This law became effective in 1945 and was amended in 1970.

   Enforcement Agencies: Division on Civil Rights,
   State Department of Law and Public Safety;
   State Department of Labor and Industry;
   State Department of Education

5. New Jersey State Board of Education Resolution of September 12, 1973

This Resolution expanded the Office of Equal Educational Opportunity to include equal opportunity for women in all areas under the administration of the Department of Education, and made available to local Boards, the Department of Education's resources for textbook selection criteria, curricular revision, and in-service training. The Resolution also provided for an "affirmative policy" of equal employment opportunity in all areas under the administration of the Department.

Enforcement Agencies: State Department of Education;
State Board of Education

6. New Jersey State Law Against Discrimination in Education (NJSA 18A:36-20)

This law prohibits discrimination against public school pupils in admission to, or in obtaining any advantages, privileges or courses of study of the school by reason of race, color, creed, sex, or national origin. This law became effective on January 14, 1974.

Detailed regulations for carrying out the provisions of this law were promulgated in final form on May 20, 1975 (NJAC 6:4-1.1 et seq.).

Enforcement Agency: State Department of Education

ALTERNATIVES FOR REDRESS

Choosing the most effective avenue to press for elimination of discriminatory school policies and practices involves consideration of legal as well as political ramifications. What follows is a discussion of the various formal routes which complainants—parents, students, teachers, "interest groups," or individual community members—can take to bring grievances to the attention of appropriate officials at the local, state, and federal levels; and of the advantages and disadvantages of each alternative.[2]

Local Level

Federal and New Jersey state regulations require each local school district to designate and publicize a compliance or affirmative action officer. The federal regulation also requires each district to adopt grievance procedures. In practical terms, this means that neither federal nor state officials are likely to take any action until there has been a substantial effort by an

[2] The discussion in this section focuses primarily on New Jersey. While most of what is said about remedies at the local and federal levels is applicable to all jurisdictions, the remedies available in New Jersey at the state level are not typical. In many states, individual complaints may be filed with a statewide anti-discrimination agency which will investigate and grant relief in individual cases. Readers from states other than New Jersey should supplement this section by consulting a knowledgeable local attorney for information on the remedies available in their state.

aggrieved citizen to secure relief from local school officials.

Complainants should therefore contact the local district's affirmative action officer first, and try to achieve change through persuasion and negotiation on the local level.[3] Unless there is instant verbal agreement, a list of grievances and recommendations for remedial action should be submitted in writing; this is a good way to let the school know you are serious about the problem of sex discrimination. Local school districts taking a "go-slow" approach to compliance will be more likely to act when faced with a concrete situation involving a specific complainant. However, if efforts to secure compliance from local school officials fail, it may be necessary to file a formal complaint at the state level. This action may give local administrators the impetus to try to remedy the situation themselves.

Grievances filed at the local level should probably be accompanied by appropriate publicity and political pressure, such as letters to the local newspapers, comments at public school board meetings, and so on. Failure to comply with legal requirements often derives from long-standing sexist attitudes, and focusing public attention on these attitudes is very much in the spirit of both sets of regulations. Indeed, since in the end the policies of these regulations will never become the norm until they are fully accepted by the community as a whole, there is much to be said for the notion that enforcement and public education are two sides of the same coin.

Federal and State Levels

Alternatives for federal and state remedies have been grouped together because the normal progression of local-state-federal action does not hold true here. The remedial avenues should be considered to be parallel, and the choice of what to do and whom to contact will depend on a variety of tactical considerations. Much will depend, for example, on the track record that each agency builds in the early stages of dealing with complaints. In addition, the various agencies may develop informal understandings among themselves that each agency will concentrate on certain areas, and stay out of others.

In New Jersey there are three main avenues of redress to choose from: federal administrative (complaint to the Office for Civil Rights in the Department of Health, Education and Welfare); state administrative (complaint to the Office of Equal Educational Opportunity in the New Jersey State Department of Education); and state quasi-judicial (formal petition to the Commissioner of Education).[4]

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[3] As required by existing regulations, the name of the affirmative action officer(s) or compliance person(s) should be readily available from the local school district office. If a school district has not yet named its affirmative action officer that would form the basis for an immediate complaint to appropriate federal and state authorities.

[4] There is a fourth remedy in New Jersey, whose present status is unclear. Individuals can also bring complaints to the Division on Civil Rights, and if an investigation reveals that a violation probably exists, the Division itself will assume enforcement responsibility. Recently, the Attorney General ruled that education-related complaints could only be brought before the Commissioner of Education, whereas employment-related complaints (in a school context) could be brought in either forum. The first half of this opinion is being chalienged in court.

The choice of forum is a difficult and important matter, and most complainants would do well to consult a lawyer. The lawyer's advice should be carefully considered, but not slavishly followed, since there may be political and public relations ramifications that point in another direction. The lawyer chosen, of course, should also be politically astute enough to take these factors into consideration.

The federal regulation contemplates that the major effort will be to secure "voluntary compliance," which in practice means a series of mediation sessions, accompanied by increasingly stronger threats of aid cutoffs. Realistically, aid cutoffs will be extremely rare, and will only occur in a few "show" areas that are—by mutual acknowledgment—test cases. The actual cutoff of financial aid to a district would provoke protracted litigation—a conservative estimate would be one year before the cutoff, two years afterwards.

The main attractive feature of the federal route (assuming the district receives federal education funds) is that federal authorities will ultimately investigate every complaint they receive. In cases where the violation is serious enough to warrant an on-site investigation, the chances are excellent that federal compliance efforts will achieve change. This is not so much because of the actual threat of an aid cutoff—since everyone knows that the chances of that are slim—but because of the attendant publicity and notoriety. The drawback of the federal route is that the regional offices of the Office for Civil Rights are so understaffed that there is a huge backlog of undecided complaints, and the prospects for improvement in this respect are not good. Indeed, the federal government has announced plans to revamp its compliance efforts in the area of discrimination based on sex and in racial, religious, and ethnic discrimination to eliminate the individual complaint-investigation approach. This has caused an enormous political controversy in Washington, and it is too early to tell how it will be resolved.

The New Jersey state regulation does not specifically establish any procedure for an individual to press a complaint administratively before the Office of Equal Educational Opportunity, but it is unlikely that state officials would totally ignore a letter from a citizen alerting them to a serious discriminatory policy or practice in a local district. However, it cannot yet be predicted how vigorously or effectively the State will respond to individual complaints. Probably the best way to find out is to try it a few times.

State plans, embodied in the New Jersey regulation, contemplate a long period of attempting to assure "paper compliance" before any serious attention is paid to actual compliance with substantive provisions. The State will use as its main source of information the affirmative action plans developed by each district. Initially, the State will concentrate on insufficiencies in the plans themselves, although it should be relatively easy for districts with any sophistication at all to write plans that look good on paper. How the State will enforce continuing compliance in later years is not yet clear, and it may be that more and more weight will be placed on individual complaints brought to its attention. If so, ongoing monitoring by community members will be essential to maintain continuing compliance.

The third route for redress on the state level is by formal petition to the State Commissioner of Education. This is similar in many ways to a court proceeding, and involves formal presentation of evidence and witnesses. The division of the Department of Education which handles these hearings is known as Controversies and Disputes. It has the power to order immediate change in a manner similar to that of a court. The most attractive feature of this procedure is that every case before Controversies and Disputes must be decided. A definitive ruling can thus be obtained. The main drawback is once again

timing, for a routine case may take a year or more to litigate, with appeals to follow. Also, there is a tendency for complainants and others to give up all other efforts at achieving change once a matter is "in litigation." This is a danger that must be considered and dealt with.

As mentioned earlier, the question of what action to take is a complex one, and involves mixed questions of law and politics and public relations. Complainants who are part of a group that is in the midst of an organized campaign to change school policies and practices will find that time spent thoroughly thrashing out the question of which avenue of redress to take is time well spent.

Contact Persons for Filing Complaints

Local Level - District or County Affirmative Action Officer(s

New Jersey State Level - Ms. Nida Thomas, Director
Office of Equal Educational Opportunity
Department of Education
225 West State Street
Trenton, New Jersey 08625

Mr. Joseph Zach, Assistant Commissioner of Education
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

Mr. Vernon N. Potter, Director
Division on Civil Rights
Department of Law and Public Safety
1100 Raymond Boulevard
Newark, New Jersey 07102

Federal Level - Department of Health, Education and Welfare, Regional Offices for Civil Rights

Region I - Mr. John G. Bynoe, RKO General Building, 5th Floor, Bulfinch Place, Boston, Massachusetts 02114

*Region II - Mr. Joel Barkan, 26 Federal Plaza, Room 3908, New York, New York 10007

Region III - Mr. Dewey Dodds, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19101

Region IV - Mr. William Thomas, 50 Seventh Street, N.E., Room 404, Atlanta, Georgia 30323

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* New Jersey is in Region II.

Region V - Mr. Kenneth A. Mines, 309 W. Jackson Boulevard, 10th Floor, Chicago, Illinois 60606

Region VI - Ms. Dorothy D. Stuck, 1114 Commerce Street, Dallas, Texas 75202

Region VII - Mr. Taylor D. August, 12 Grand Building, 12th and Grand Avenue, Kansas City, Missouri 64106

Region VIII - Mr. Gilbert D. Roman, Room 11037 Federal Building, 1961 Stout Street, Denver, Colorado 80202

Region IX - Mr. Floyd L. Pierce, 760 Market Street, Room 700, San Francisco, California 94102

Region X - Ms. Marlaina Kiner, 6101 Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101

CHAPTER 2

ACCESS RIGHTS: OBTAINING THE INFORMATION YOU NEED[5]

To complete the workbook checklists and to successfully monitor compliance by your local school district with federal and state prohibitions of sex discrimination, you will have to obtain access to curricular materials, guidance materials, school facilities, affirmative action plans, employment-related information, and a wide variety of school district records. You have every right to expect voluntary cooperation by local and district school officials.[6] However, if school officials are unwilling to cooperate with you voluntarily, you are nevertheless entitled to inspect and copy much of the materials you need as a matter of legal right, enforcible in the courts if need be.

Requesting Assistance from School Officials

In practice, you are likely to be able to obtain better and more complete data if you can procure the voluntary cooperation of school officials than if their cooperation must be coerced. Moreover, since you may well want to have a continuing influence on future policies and practices in your school district, it may be in your best interest in the long run to attempt from the beginning to lay a foundation for an amicable working relationship if you can do so without being co-opted. Therefore you should be candid about your purposes, reasonable in your requests, and polite and friendly (but firm) in your manner when you approach school officials for assistance.

Before investigating your school system find out if other groups or individuals are also doing so and, wherever possible, coordinate your information-gathering efforts with theirs so that school officials do not feel they are being "whipsawed." Try also to arrange your investigation so as to minimize disruption of day-to-day operation of the school system.

In at least some districts, however, your requests for access to records, curricular and guidance materials, and facilities will be met with resistence, sometimes arising out of hostility to the goals of nondiscrimination, sometimes out of generalized fear of outside investigation, and sometimes out of

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[5] While the discussion in this chapter focuses on New Jersey, most of what is said also applies to other jurisdictions. Most states have a public records or freedom of information statute which assures private individuals the right to inspect and copy public records and provides a judicial procedure for enforcing that right. Many jurisdictions also recognize a common law right to inspect public records. The specific details, however, vary from state to state. Readers from states other than New Jersey should check with a knowledgeable local attorney for information pertaining to the law applicable to their jurisdiction.

[6] The state regulation in New Jersey specifically requires local school boards to encourage community participation in the development of nondiscriminatory programs and curricula (NJAC 6:4-1.3(e)).

simple bureaucratic inertia. In such cases, your politeness and reasonableness must be coupled with firmness and assertiveness. Be insistent. You should not be deterred or diverted by any of the excuses for not giving you access to the information you need, however plausible they may sound. There are no acceptable excuses. If arguments based on public policy and on good school-community relations are not effective, insist on your legal rights. If you get a final refusal from one school official, make your requests to the responsible official at the next higher level of authority. If your efforts fail, you should obtain legal assistance. Finally, when you obtain the information that you are seeking, ask questions to make sure that you have been given all the pertinent materials, not just a self-serving selection or a sanitized version.

Although you should contact the superintendent of schools in your district before starting an investigation and explain to her or him what you are doing, why you are doing it, and what type of assistance you need, the superintendant ordinarily will not actually have on hand all the information you will need. Federal and New Jersey state regulations (45 CFR Section 86.8 and NJAC 6:4-1.3 (c), respectively) require that each school district appoint at least one affirmative action officer. If an affirmative action officer has been appointed, that person should be your first and best source of information. He or she should have collected or be in the process of collecting statistics, records, and written materials from schools within the district for review and evaluation. In particular, the affirmative action officer should have the materials collected since they are essential for preparing the district's self-evaluation report, and for developing affirmative action plans. A copy of the self-evaluation report, and a copy of the district's affirmative action plans should be made available for your review.

If the district has not yet appointed an affirmative action officer or if the affirmative action officer has not diligently performed her or his duties, you will have to go to primary sources in the school system for your information. The particular officials who have the different kinds of data you seek will vary from district to district and from state to state. Useful statistical data are usually compiled annually by individual schools and summarized by each district or county.[7] It may also be necessary (especially to obtain information concerning school and classroom practices) to select several schools in the district and collect information directly from school principals, guidance directors, school librarians, curriculum directors, athletic directors, and other appropriate school personnel.[8]

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[7] Useful statistical data may be found in the annual Fall Report (NJDE 911-4A-G) completed by each public school in New Jersey, summarized by each district, and submitted to the State Department of Education. The annual Comparability Report submitted by each school district receiving federal aid under Title I of the Elementary and Secondary Education Act (ESEA) to the State Title I office is also a useful source of information. Copies of both these reports should be made available by the school districts or by the State Department of Education, Office of Management Information.

[8] It is recommended that if resources exist, study groups should identify at least three individual schools in the district: one elementary school, one middle-junior high school, and one senior high school.

Your Legal Rights to Access to Public Records

New Jersey, like most states, has a public records statute. This statute, entitled the Right-to-Know Law (NJSA 47:1A-1 et seq.) gives citizens the right to inspect, copy, and obtain photocopies of any writings or recordings which a public agency, including a school district, is required by law to keep. In addition, residents of New Jersey who can demonstrate some legitimate reason to inspect documents (for example, a desire by a citizen to determine if some governmental body whose conduct in some way affects the citizen is complying with the law) has a historical common law right to inspect, copy and obtain copies of any writings or recordings kept by any public body even without the statute. These statutory and common law rights have been construed very broadly by the New Jersey courts, most recently in the case of Camden Citizens for a Better Education v. Camden City Board of Education, 124 N.J. Super 523 (App. Div. 1973), to give citizens concerned with the operation of the public schools the right to inspect, copy by hand, and receive photocopies of all written materials which school districts are required by law to keep and any written materials which they in fact keep even though not required to do so by law.

This right of access has a number of important restrictions and limitations of which you should be aware:

1. Federal law (the Family Educational Rights and Privacy Act, 20 USC Section 1232(g), commonly known as the Buckley amendment) and regulations of the New Jersey State Board of Education (NJAC 6:3-2.1 et seq.) provide that the school may not show you any personally identifiable student record. Therefore, it may not, for example, let you go through student class schedules to determine the enrollment by sex in shop and home economics classes. These laws, however, do not bar the school from making this information available to you in a way that does not reveal the identities of the individual students concerned.

2. Under an executive order issued by the Governor of New Jersey under the Right-to-Know Law (Executive Order No. 11 of 1974), the school district may not show you any personally identifiable records of present or past employees, but, upon request, it must give you the following information about a present or past employee: name, title, position, salary, payroll record, length of service, prior experience, and educational background.

3. The school district may insist that you inspect records in a manner which minimizes disruption of day-to-day school operations. It may not, however, place unreasonable restrictions upon your rights.

4. While the school district may allow you to remove records for photocopying, it need not do so, and if it does it may charge a fee. In any event, upon request, it must provide you with photocopies made with its equipment but may charge you a fee for doing so.

The following are some types of information which you may want to obtain during the course of your investigation:

1. Affirmative action plans - By state regulation (NJAC 6:4-1.3(b)(3)) the school district is specifically required to make these available to the public.

2. Self-evaluation reports - Under the federal regulation (45 CFR 86.3(d)) the affirmative action officer is required to keep on file the self-evaluation report, written descriptions of all remedial steps taken which were based on the self-evaluation, and any subsequent modifications in the self-evaluation. All written materials required by law to be kept on file must be made available to the public under the Right-to-Know Law.

3. Staff recruitment materials, student guidance and counseling materials, and curricular materials (textbooks, supplementary materials, etc.) - These materials, if not actually required to be kept by law, are at least written materials that school districts do in fact keep and are thus available under the Right-to-Know statute, as construed by the courts, and under the common law right to inspect public records. Of these, the items that may prove to be the hardest to obtain are supplementary curricular materials, since these are often selected or prepared by the individual teacher for use in her or his own classes. Nevertheless, supplementary materials are of great importance, particularly in the elementary grades, and should be obtained for review if at all possible.

4. Teacher employment information - Formal hiring policies, teacher contracts, collective bargaining agreements, salary guides, and job descriptions are plainly records which the school district keeps and are subject to public access. Statistical breakdowns of the teaching staff in each school department by sex, position, educational background, experience, and salary level should have been compiled as part of the self-evaluation report and should thus be available for public inspection. In any case, it is largely information to which you are entitled under Executive Order No. 11 of 1974.

5. Policies and statistics concerning athletic and nonathletic extracurricular activities - Since extracurricular activities may be run autonomously by the coaches and faculty advisors, not all policies and information may be available from the school administration. All written policies, even those only in the possession of the coaches or faculty advisors (or team captains or student officers) must be made available for public inspection. Statistical breakdowns by sex, where compiled, are also public records open to inspection. Where such statistics have not been compiled (as may often be the case in extracurricular activities other than athletics), membership rosters can be examined. It should be noted, however, that actual class rosters are confidential pupil records and are not open to public inspection.

If school officials refuse you access to any information which you need (whether discussed in this section or not), you should seek legal assistance. A knowledgeable attorney can advise you as to whether you are legally entitled to obtain the information you desire. It may be that a telephone call from your lawyer to the school board attorney will suffice to resolve the difficulty. If not, a court order compelling the school district to permit you access to the materials you desire can be promptly sought.

CHAPTER 3

MONITORING COMPLIANCE DURING THE FIRST TWELVE MONTHS: THE YEAR OF ADJUSTMENT

The first year of compliance with federal and state regulations can be viewed as a period of adjustment or transition, but not as a waiting or grace period. During that period, educational institutions must take whatever steps are necessary to comply fully with regulations as quickly as possible but in no event later than the July 21, 1976 federal deadline or earlier state deadlines.

Specific actions which school districts must take are clearly spelled out in the respective regulations. For example, under the Title IX regulation, all educational institutions receiving federal education funds must conduct a self-evaluation tailored to meet their own circumstances (Section 86.3(c),(d)). This is one of the most critical first-year requirements. Under this provision all institutions must carefully evaluate current policies and practices in terms of the Title IX regulation, modify those policies or practices which are inconsistent with the regulation, take appropriate remedial and affirmative action to eliminate the effects of any discrimination which may have resulted from adherence to these policies and practices, and for at least three years following completion of the evaluation, maintain on file any modifications and remedial steps which have been taken.

As part of the self-evaluation process school districts should develop two specific affirmative action plans: one with respect to employment practises and policies, and one with respect to school and classroom policies and practices.[9] These plans provide a school district with a mechanism for evaluating its policies and practices in a systematic manner and for determining which policies and practices need to be modified in order to comply fully with existing anti-discrimination regulations. To be effective, components of the plans should include timetables for corrective action to overcome the effects of any previous patterns of discrimination identified, and systematic procedures for internal monitoring, evaluating, and reporting to ensure continuing compliance.[10]

To assist you in monitoring first-year compliance activities, several checklists are included in this chapter. The first two checklists are to be used to evaluate a school district's progress in complying with specific first-

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[9] The development of two specific affirmative action plans as a mechanism for carrying out this provision is not specified by the federal regulation. It is, however, clearly spelled out as a requirement under the state regulation for New Jersey (NJAC 6:4-1.3(b)).

[10] Affirmative action plans developed by each school district in New Jersey must include, but not be limited to, these components (NJAC 6:4-1.3(b)).

year requirements as outlined under the federal regulation and under the New Jersey state regulation.[11] The next two checklists should be used as a guide to evaluate the quality of your district's school and classroom affirmative action plan and employment affirmative action plan.

To begin monitoring compliance with federal and state requirements you should first schedule a meeting with your district's affirmative action officer(s) to discuss district compliance progress and activities to date. The first two checklists should be used as a guide to your discussion.

The next step depends on the district's progress in collecting information for self-evaluation reports and in developing its affirmative action plans. If affirmative action plans have been developed, you should obtain copies and carefully review these documents with the assistance of your district's affirmative action officer(s). The two checklists for evaluating affirmative action plans should be used as a guide for reviewing the plans.

On the other hand, if affirmative action plans are in the process of being developed, you should share the evaluation checklist with your district's affirmative action officer(s). If this is the case, it will be necessary for you to schedule subsequent meetings with the affirmative action officer(s) to monitor progress in developing the plans and to discuss the contents of the plan using the evaluation checklists as guides.

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[11] Readers from states other than New Jersey should supplement this chapter by replacing the New Jersey checklist with an appropriate checklist for their state.

CHECKLIST OF REQUIRED ACTIONS TO BE TAKEN BY SCHOOL DISTRICTS DURING THE FIRST YEAR OF COMPLIANCE WITH THE FEDERAL REGULATION

Listed below are a number of specific actions that educational institutions receiving federal funds must take in order to be in compliance with the federal regulation for Title IX of the Education Amendments of 1972. These actions must take place as quickly as possible, but in no event later than July 21, 1976, unless otherwise noted.

If the answer to any of the checklist items is "no," it is important that your affirmative action officer be consulted regarding the reasons for the district's failure to comply with the stipulated deadline and the specific action (or progress) being taken to complete these activities. Any reports or recommendations generated from this activity should reflect the outcome of your discussion with the district's affirmative action officer.

The section of the federal regulation pertaining to each required action appears in parentheses following each item. For a more detailed description of what an institution receiving federal education funds must do, you are encouraged to consult the regulation itself (45 CFR Part 86), which can be found at 40 Federal Register, pp. 24128-45 (1975) or obtained from the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Yes	No	Did your school district take the following actions?
___	___	A. Notify, by October 19, 1975, certain persons or groups of its policy of nondiscrimination on the basis of sex in the educational programs or activities which it operates, or in employment, and its obligations under Title IX. (Section 86.9)
		1. This notification stated that:
___	___	a. The school district does not discriminate on the basis of sex;
___	___	b. The school district's obligations under Title IX prohibit such discrimination; and
___	___	c. Inquires concerning Title IX should be referred to the designated Title IX compliance or affirmative action person(s) or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Yes	No	
		2. This notification appeared in:
___	___	a. Local newspapers;
___	___	b. School publications; and
___	___	c. Memoranda or other written communications distributed annually to every student and employee.
		3. The following groups were notified of the district's nondiscriminatory policy:
___	___	a. Students;
___	___	b. Parents;
___	___	c. Present and prospective employees;
___	___	d. Sources of referral for employment;
___	___	e. All unions or professional organizations holding collective bargaining or professional agreements with the district; and
___	___	f. Admission and recruitment representatives.
___	___	4. This notification was prominently placed in each announcement, bulletin, catalogue, or application form which the school district makes available to any person or groups described above.
___	___	B. Designate at least one employee responsible for coordinating the school district's efforts to comply with and carry out its responsibilities under Title IX, and for investigating complaints alleging noncompliance or prohibited action reported to the district. This action should be taken as soon as possible. (Section 86.8(a))
___	___	C. Notify all students and employees of the name, office address, and telephone number of the appointed person(s) responsible for Title IX compliance. This action should be taken as soon as possible. (Section 86.8(a))
___	___	D. Develop, adopt, and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX. This action should be taken no later than July 21, 1976. (Section 86.8(b))

Yes	No	
___	___	E. Conduct an institutional self-evaluation to identify and correct areas of discrimination by July 21, 1976. (Section 86.3)

As part of this requirement the school district should have taken the following steps:

___	___	1. Evaluated current policies and practices concerning both employment of personnel (academic and nonacademic) and treatment of students to ensure full compliance with all provisions of the regulations for Title IX.
___	___	2. Modified any of these policies and practices which discriminates on the basis of sex.
___	___	3. Developed and implemented appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these practices and policies.
___	___	4. Established a file to be maintained for at least three years following completion of the evaluation, containing descriptions of any modifications made or remedial steps taken.
___	___	5. Assured the federal government that it is complying with the requirements of Title IX. (All applications for federal education funds must include an assurance of compliance statement.) (Section 86.4)

CHECKLIST OF REQUIRED ACTIONS TO BE TAKEN BY SCHOOL DISTRICTS IN NEW JERSEY DURING THE FIRST YEAR OF COMPLIANCE WITH THE STATE REGULATION

Listed below are a number of specific actions that each operating public school district in New Jersey must take in order to comply fully with the New Jersey Department of Education's Equality in Educational Programs regulation adopted by the State Board of Education on May 20, 1975. These actions must take place in accordance with specific deadlines specified in the regulation.

If the answer to any of the checklist items is "no," it is important that your affirmative action officer be consulted regarding the reasons for the district's failure to comply with stipulated deadlines and the specific actions (or progress) being taken to complete these activities. Any reports or recommendations generated from this activity should reflect the outcome of your discussion with the district's affirmative action officer.

The section of the state regulation pertaining to each required action appears in parentheses following each item. For a more detailed description of what districts must do, you are encouraged to consult the regulation itself (NJAC 6:4-1.1 et seq.) which can be found at 7 New Jersey Register 136 (a) (April 10, 1975) or obtained from the Office of Equal Educational Opportunity, State Department of Education, 225 West State Street, Trenton, New Jersey 08625.

Yes	No	Did your school district take the following actions?
___	___	1. Submit to the Commissioner of Education a copy of its Resolution of Equal Educational Opportunity by July 19, 1975. (NJAC 6:4-1.3(a), and 6:4-1.7(a))
___	___	2. Inform the community it serves of the resolution by publicizing it in an adequate manner including but not limited to the district's customary methods of information dissemination. (NJAC 6:1-1.3(a) and 6:4-1.7(a))
___	___	3. Submit to the Commissioner of Education the name of its Affirmative Action Officer(s) by July 19, 1975. (NJAC 6:4-1.3(c) and 6:4-1.7(a))
___	___	4. Submit to the Commissioner of Education its proposed Affirmative Action Plan for School and Classroom Practices (to include a timetable for corrective action and provisions for in-service training on a continuing basis) by September 17, 1975. (NJAC 6:4-1.3(b),(d); and 6:4-1.7(b))
___	___	5. Submit to the Commissioner of Education its proposed Affirmative Action Plan for Employment Practices (to include a timetable for corrective action and provisions for in-service training on a continuing basis) by November 16, 1975. (NJAC 6:4-1.3(b),(d); and 6:4-1.7(c))

Yes	No	
___	___	6. Receive notification of the Commissioner of Education's approval or rejection of its Affirmative Action Plan for School and Classroom Practices by November 16, 1975. (NJAC 6:4-1.7(d),(e))
___	___	a. If accepted, the school district must initiate the plan within 120 days or by March 15, 1976.[a]
___	___	b. If rejected, a revised plan must be developed and approved within 60 days or by January 15, 1976 and initiated within 120 days from that date or by May 14, 1976.[a]
___	___	7. Receive notification of the Commissioner of Education's approval or rejection of its Affirmative Action Plan for Employment Practices by January 15, 1976. (NJAC 6:4-1.7(d), (e))
___	___	a. If accepted, the school district must initiate the plan within 120 days or by May 14, 1976.[a]
___	___	b. If rejected, a revised plan must be developed and approved within 60 days or by March 15, 1976 and initiated within 120 days from that date or by July 13, 1976.[a]

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[a] If within one year from this date a school district is still found to be in noncompliance with the regulation or its affirmative action plan was not implemented, "the Commissioner of Education may initiate, with the approval of the State Board of Education, action to suspend, terminate or refuse to award continued Federal or State financial assistance." (NJAC 6:4-1.7(g)) Once every three years from this date the Commissioner shall review and evaluate the progress of each school district in implementing its affirmative action plan.

CHECKLISTS FOR EVALUATING AFFIRMATIVE ACTION PLANS

The following checklists outline components which should be included in your district's school and classroom practices affirmative action plan and employment practices affirmative action plan.[12] These lists are by no means complete, and are intended only to highlight some of the areas that need to be examined. Some school districts will probably add items to these lists. Using the checklists as a guide, you should carefully examine the district's plans to determine whether or not these components are included.[13] Exclusion of any of the items listed may indicate the district's failure to investigate and identify all sources of discrimination. Such failure may likely result in the district's noncompliance with provisions of both federal and state regulations.

It is important, therefore, that each component with a "no" response be discussed with your affirmative action officer(s) to determine why it was excluded from the plan. Any reports or recommendations generated from this activity should reflect the outcome of your discussion with the district's affirmative action officer(s) and your careful review of the self-evaluation data gathered by the district.

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[12] Checklists were adapted from an article entitled "Schools and Affirmative Action" prepared by Shirley McCune and Martha Matthews. See Schools and Affirmative Action, prepared by the Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, Washington, D.C., 1974. Articles and materials in this publication were prepared for a conference on affirmative action sponsored by the National Institute of Education.

[13] At this stage in your monitoring activities, your function should be to determine whether or not attention has been paid in each area outlined in the checklists. Later monitoring activities will require that you determine if these plans have been effectively implemented.

CHECKLIST FOR EVALUATING A SCHOOL AND CLASSROOM PRACTICES AFFIRMATIVE ACTION PLAN

Yes	No	
		Does your district's school and classroom affirmative action plan include the following major elements?
___	___	A. A statement of policy and purposes to include the following specifications:
___	___	1. Statement of general nondiscriminatory intent of the district.
___	___	2. Objectives and purposes which summarize and provide a framework for understanding the plan.
___	___	3. Designation of a person(s) who has ultimate responsibility for implementation of the plan.
___	___	B. Specification of procedures and plans for analysis, review, and modification of school and classroom practices and policies, which may be possible sources of discrimination. This section should reflect that the following evaluations were conducted:
___	___	1. Evaluation of policies concerning student access to course offerings and activities, and corresponding enrollment figures, to ensure that any disproportionate representation of one sex is not the result of sex discrimination in counseling, testing materials, or sex discrimination by counselors. The following courses and activities should be included:
___	___	a. Adult education
___	___	b. Business
___	___	c. Nonathletic extracurricular activities
___	___	d. Health [14]
___	___	e. Home economics

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[14] The Title IX regulation specifies that portions of classes dealing exclusively with human sexuality may be conducted separately for boys and girls in elementary and secondary schools (Section 86.34(e)). Such a provision, however, is not included in the state regulation for New Jersey. Apparently, pursuant to NJAC 6:4-1.5(d),(e), health classes shall not be offered separately.

Yes	No		
___	___	f.	Industrial arts
___	___	g.	Mathematics
___	___	h.	Music [15]
___	___	i.	Physical education[16]
___	___	j.	Science
___	___	k.	Secretarial courses
___	___	l.	Vocational-Technical

2. Evaluation of interscholastic, club or intramural athletics to ensure equal athletic opportunity for members of both sexes.[17] This should include analysis of the following factors:

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[15] The Title IX regulation specifies that schools may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominately one sex. Such a provision, however, is not included in the state regulation for New Jersey. Apparently, pursuant to NJAC 6:4-1.5(d),(e), music classes shall not be offered separately.

[16] Institutions must comply fully with requirements regarding physical education under Title IX as expeditiously as possible, but in no event later than July 21, 1976 for elementary schools and July 21, 1978 for secondary schools. (HEW stresses that this three-year period is a transition period and not a waiting period.) Title IX does not prohibit grouping of students in physical education classes by ability or during activity which involves body contact (Sections 86.34(b),(c)). Such provisions, however, are not included in the state regulation for New Jersey. Apparently, pursuant to NJAC 6:4-1.5(e) such separation is prohibited.

[17] Institutions must comply fully with requirements regarding athletics under Title IX as expeditiously as possible, but in no event later than July 21, 1976 for elementary schools and July 21, 1978 for secondary schools. Under the regulation for Title IX, schools may choose to operate separate teams for members of each sex where selection is based on competitive skill or activity involved in a contact sport (e.g., boxing, wrestling, rugby, ice hockey, football, and basketball), or single teams open competitively to members of both sexes unless the team involved is a contact sport (Section 86.41(b)). The state regulation for New Jersey does provide for the operation of separate teams or single teams open competitively to both sexes, but does not make provisions for exceptions based on activity involving body contact (NJAC 6:4-1.5(f)2).

Yes	No	
___	___	a. Selection of sports and levels of competition to effectively accomodate the interests and abilities of both sexes;
___	___	b. Equipment and supplies;
___	___	c. Scheduling of games and practice time;
___	___	d. Travel allowance;
___	___	e. Coaching and academic tutoring opportunities;
___	___	f. Assignment and compensation of coaches and tutors;
___	___	g. Provision of locker rooms, practice and competitive facilities;
___	___	h. Provision of medical and training facilities and services;
___	___	i. Publicity; and
___	___	j. Allocation of resources.[18]
___	___	3. Evaluation of student services or practices such as counseling and testing, and health services.
___	___	4. Evaluation of health and insurance benefits.
___	___	5. Evaluation of student policies concerning graduation requirements, discipline, student government, marital or parental status, appearance, and so on.
___	___	6. Evaluation of financial assistance to students to ensure that students are selected for awards on the basis of nondiscriminatory criteria.

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[18] Equal aggregate expenditures are not required under the Title IX regulation (Section 86.41).

Yes	No	
___	___	7. Evaluation of employment assistance to students to ensure that the district or any agency, organization, or person, which it assists in making employment available to students, provides employment without discrimination on the basis of sex.
___	___	8. Evaluation of separate classes or activities for pregnant students to ensure that any separate program is comparable to that offered to nonpregnant students, and that participation is voluntary.
___	___	9. Evaluation of textbooks and instructional materials for sex-role bias and stereotyping.[19]
___	___	C. A statement of the current existence of discriminatory policies and practices in each of the areas designated above.
___	___	D. A statement of goals and objectives to overcome the effects of discrimination in any of the above areas, and timetables for their achievement. This section should include:
___	___	1. Specific corrective or remedial actions to eliminate identified sources of discrimination and stereotyping.
___	___	2. Specific intermediate target goals and long-range goals which are measurable and attainable.
___	___	3. Specific timetables which are realistic and attainable for achieving corrective actions.
___	___	4. Specific plans to review or establish internal grievance procedures.
___	___	E. Procedures for evaluating, monitoring, and reporting progress. This section should include the following:
___	___	1. Designation of responsible person(s) with authority to implement the plans and procedures for monitoring, evaluating, and reporting progress.

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[19] Although this activity is not required under the regulation for Title IX (Section 86.42), state regulations for New Jersey do specify that such an evaluation be conducted. Discriminatory materials must be supplemented with materials designed to eliminate discrimination until such discriminatory materials are discontinued in the normal course of events and replaced by new materials meeting nondiscriminatory criteria (NJAC 6:4-1.3(e),(f)).

Yes	No	
___	___	2. Requirements and timetables for the development and communication of clear guidelines for staff responsible for identifying, implementing, monitoring, and evaluating corrective actions, and the training of these members.
___	___	3. Provisions for ongoing, in-service training programs for staff to identify and resolve problems arising during the year.
___	___	4. Requirements for the maintenance of records which identify the program decision-makers and significant data concerning the corrective actions to include the degree of progress in achieving these actions.
___	___	5. Development of procedures and timetables for progress reports and review of the plan to reflect progress achieved, and new sources identified.
___	___	6. Provisions for dissemination of progress reports and evaluations to policy makers, staff, students, and interested community members.

CHECKLIST FOR EVALUATING AN EMPLOYMENT PRACTICES AFFIRMATIVE ACTION PLAN

Yes	No	
		Does your district's employment affirmative action plan include the following major elements?
___	___	A. A statement of policy and purpose which should include the following specifications:
___	___	1. Statement of general nondiscriminatory intent of the district.
___	___	2. Objectives and purposes which summarize and provide a framework for understanding the plan.
___	___	3. Designation of a person(s) who has ultimate responsibility for implementation of the plan.
___	___	B. An analysis of the work force to identify areas of underutilization and concentration.[20] This analysis should reflect a compilation and review of the following statistical and demographic data:
___	___	1. A listing of each job classification (including professional and nonprofessional).
___	___	2. A ranking of positions from the lowest paid to the highest paid within each job classification for each unit or department.
___	___	3. Salary ranges for each job classification.

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[20] Underutilization has been defined as having fewer women (or minorities) in a particular job category than would reasonably be expected by their presence in the relevant labor pool. It also means employing persons in jobs that do not make use of their skills and training. Concentration means more of a particular group in a job category than would reasonably be expected by their presence in the relevant labor pool.

Where statistics reveal significant underutilization or concentration of a particular group there is a strong probability that discriminatory practices exist in some aspects of the employment system and that remedial action should be taken to eliminate such practices. It is important to note, however, that remedial action does not require employers to hire unqualified personnel or impose arbitrary quota systems to achieve proportional statistical representation. What is required is the demonstration of "good faith efforts" to ensure true equality of employment opportunities regardless of sex.

Yes	No	
___	___	4. A listing of those employed in each job classification by sex.
___	___	5. Statistical information on the availability of members of underrepresented groups with relevant skills from the potential labor pool.
___	___	6. Statistical information regarding promotions and transfers of staff.
___	___	7. Statistical information on applicant flow or the percentage of qualified job applicants from underrepresented groups.
___	___	C. Procedures for analysis, review, and modification of current policies and practices which may be sources of discrimination. This section should reflect that the following evaluations were conducted:
___	___	1. Evaluation of each job classification to ensure consistent job descriptions across all departments and units.
___	___	2. Evaluation of recruitment and selection practices based on review of the following:
___	___	a. Lists of recruitment sources to ensure agencies representative of qualified women;
___	___	b. Notices and advertising of employment opportunities to ensure that they are nondiscriminatory;
___	___	c. Recording systems to ensure identification of discriminatory practices;
___	___	d. Application forms to ensure that they require only information related to job performance, are consistent for all positions within a job category, and request the same information from all applicants regardless of sex;
___	___	e. Guidelines for personnel interviews to ensure that all questions asked are relevant to job-related information, that no questions are asked regarding marital status, and that no questions are asked of members of one sex which are not asked of all applicants;
___	___	f. Tests or other criteria to ensure that they do not have disproportionately adverse effects on persons on the basis of sex;

Yes	No	
___	___	g. Salary schedule to ensure that it is consistent within comparable job classifications; and
___	___	h. Nepotism policies to ensure that they do not discriminate on the basis of sex.
___	___	3. Evaluation of hiring procedures to ensure provisions for the review of applications, referrals, handling of applications and hiring patterns by a person with a central responsibility for affirmative action; and the recording of failures to hire persons in an underrepresented group and the documentation of reasons for such failures in order to document good faith intent.
___	___	4. Evaluation of job mobility practices to identify underutilization of employees and barriers to the upgrading of women.
___	___	5. Evaluation of transfer, layoff, recall, demotion, and termination policies to ensure that standards are the same for all employees regardless of sex.
___	___	6. Evaluation of all staff assignments to ensure equity in assignment to all positions, paying and nonpaying extra duties, and access to special events and training programs.
___	___	7. Evaluation of all provisions of collective bargaining agreements to ensure that they are consistent with revised procedures and policies.
___	___	8. Evaluation of fringe benefits to ensure the provision of comparable benefits to all employees.
___	___	9. Evaluation of policies concerning marital status, and pregnancy and related matters to ensure nondiscrimination and to ensure that pregnancy is treated as a temporary disability.
___	___	10. Evaluation of contracts with contractors or vendors to ensure nondiscriminatory practices.
___	___	D. A statement of the current existence of discriminatory policies and practices in each of the areas designated above.
___	___	E. A statement of goals and objectives to overcome the effects of discrimination in any of the above areas, and timetables for their achievement. This section should include:
___	___	1. Specific corrective or remedial actions to eliminate identified sources of discrimination.

Yes	No	
___	___	2. Specific intermediate target goals and long-range goals which are measurable and attainable.
___	___	3. Specific timetables which are realistic and attainable for achieving corrective actions.
___	___	4. Specific plans to review or establish internal grievance procedures.
___	___	F. Procedures for monitoring, evaluating, and reporting progress. This section should include the following:
___	___	1. Designation of a responsible person(s) with authority to implement plans for monitoring, evaluating, and reporting progress.
___	___	2. Requirements and timetables for the development and communication of clear guidelines for staff responsible for recruiting, hiring, etc., and training of these members.
___	___	3. Provisions for ongoing, in-service training program for staff to identify and resolve problems arising during the year.
___	___	4. Maintenance of applicant flow records to identify the employment decision-maker and to provide significant data concerning the applicant and disposition of the application.
___	___	5. Development of procedures and timetables for progress reports and review of the plan to refect progress achieved, and to identify new sources of discrimination.
___	___	6. Requirements for maintenance of records to identify the program decision-makers and significant data concerning the degree of progress in achieving remedial action.
___	___	7. Provisions for dissemination of progress reports and evaluations to policy makers, employees, and interested members or groups of the community.

CHAPTER 4

MONITORING CONTINUING COMPLIANCE

The true test of the school district's "paper compliance" activities during the year of adjustment is how or whether the various plans have been effectively translated into practice on an ongoing basis. Unfortunately, it is highly unlikely that the school district (including every individual school within the district) will be complying with all provisions of both the federal and state regulations by July 21, 1976. It will be necessary, therefore, to evaluate the district's degree of compliance both at the end of the year of adjustment, and in subsequent years.

To assist you in monitoring continuing compliance, two checklists are included in this chapter: one to assess the school district's compliance with provisions pertaining to school and classroom practices and one to assess compliance with provisions pertaining to employment practices.

Before answering the checklist questions, it will be necessary to review the materials listed prior to each checklist. Most of the information needed should be available from your affirmative action officer. The availability of must of the data will depend on the sophistication (and good faith) of the district's data gathering activities conducted as part of the self-evaluation process. If the data is not compiled on a district-wide basis, you should (as suggested in Chapter 2) select a sampling of schools from within the districts and collect information from each of the individual schools. Charts A-F will assist you in recording information relevant to the checklist on school and classroom practices; charts G-I are for the employment checklist.

The information contained in materials and data to be reviewed should provide you with the necessary information to answer the checklist questions. Checklists should be used as a guide for identifying specific "suspect" areas of noncompliance with provisions of the Title IX regulation. For each "no" answer, be sure to give examples, and indicate how and when (or whether) the district intends to come into compliance.

The checklists should provide you with an overall assessment of the district's degree of compliance with the regulations, and its progress in taking the corrective or remedial action necessary to eliminate sex discriminatory policies and practices. Most importantly, the results will provide you with a basis for preparing recommendations to the school district's affirmative action officer or to take whatever other course of action is necessary to bring about change to eliminate sexism in the schools. As we have stressed throughout this workbook, action may come in many forms: legal, political, or educational.

Relevant provisions of the federal regulation appear in parentheses after each subheading. You are encouraged to consult the regulation itself for a more detailed description of what a school district receiving federal education funds must do to comply fully with the provisions. Since most provisions of the federal and New Jersey state regulations are parallel, compliance with the federal regulation will automatically mean compliance with the state regulation. The few differences which do exist represent the state's broadening or refining of the federal regulation and do not conflict with the obligations imposed by the Title IX regulation. In several instances, the

state provisions are stricter. For example, unlike the federal regulation, New Jersey state provisions do not make special accommodations for conducting sex-segregated health classes when portions of the class pertain to human sexuality. It is important, therefore, for New Jersey readers to pay particular attention to footnotes highlighting these differences.

Finally, readers engaged in monitoring complaince should remember to keep a record of what they have found, what they have recommended, and what they have done. Achieving full compliance everywhere will be a long-term campaign, and it may be helpful to those who come onto the scene later to be able to see written documentation of what has gone on before.

MONITORING CONTINUING COMPLIANCE IN SCHOOL AND CLASSROOM PRACTICES

Materials to be reviewed before completing the checklist in this section:

1. Student handbook and general school policies regarding:

   a. Requirements for completion of course offerings or course of study and graduation requirements.

   b. School dress policy.

   c. School disciplinary policy.

   d. Policy regarding student marital status, pregnancy and related matters.

   e. Policy regarding selection criteria for financial assistance awards.

   f. Athletic activities policy to include purchasing of equipment; travel expenses; scheduling of games; coaching requirements, qualifications and compensations; facilities; insurance; medical service; and publicity.

   g. Policy regarding procedure and criteria for purchasing books and other instructional materials for classroom or library use.

2. Materials, tests and other instruments used by the counseling department.

3. List of textbooks in use and course descriptions.

4. List of nonschool agencies or organizations offering students employment through the school's work-study program or offering extracurricular activities.

5. Student employment applications used by the school and by nonschool agencies.

6. Student medical, health, accident and insurance plans offered by the school.

7. Current and proposed school district budgets.

Data to be reviewed before completing the checklist in this section:

1. District (or individual school) pupil enrollment for each grade by sex. This information should be recorded on Chart A.

2. Number of students by sex participating in student services. This information should be recorded on Chart B.

3. Course and enrollment data by sex. This information should be recorded on Chart C. (For lower grades which are not divided into courses, obtain a description of program activities and objectives.)

4. Follow-up data on the most recent graduating high school class. This information should be recorded on Chart D.

5. Data on interscholastic and intramural athletic activities offered.[21] This information should be recorded on Chart E.

6. Data on nonathletic extracurricular activities offered. This information should be recorded on Chart F.

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[21] Interscholastic means competition between different schools; intramural means competition within a school.

CHART A

ENROLLMENT OF PUPILS BY GRADE AND SEX

_____, _____, _____
(NAME OF SCHOOL) (DISTRICT) (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES __ TO __

GRADE LEVEL	FEMALE N=	FEMALE %	MALE N=	MALE %	TOTAL
Preschool					
Kindergarten					
Primary (1-3)					
Upper Elementary (4-6)					
Middle-Junior High School (7-8 or 7-9)					
Senior High School (9-12 or 10-12)					
Vocational-Technical					
GRAND TOTAL					

CHART B

PARTICIPATION IN STUDENT SERVICES BY ACTIVITY AND SEX

_____, _____, _____
(NAME OF SCHOOL) (DISTRICT) (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES__ TO __

ACTIVITY	FEMALE N=	FEMALE %	MALE N=	MALE %	TOTAL
Hall Guard or Monitor					
Street Crossing Guard					
Audio-Visual Aides					
Library Helpers					
Lunchroom Helpers					
Office Helpers					
Other (specify)					

CHART C

COURSE ENROLLMENT BY SEX

_____, _____, _____
(NAME OF SCHOOL), (DISTRICT), (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES __ TO__

Select a course(s) in each subject area listed below which is traditionally female or male. Record below: (1) course title, (2) grade, and (3) course enrollment by sex.

SUBJECT AREA	COURSE TITLE	GRADE	FEMALE N=	FEMALE %	MALE N=	MALE %	TOTAL
Art							
Business							
English							
Foreign Language							
Health Education							
Physical Education							
Home Economics							
Industrial Arts							
Mathematics							
Music							
Science							
Social Studies							
Special Education[a]							
Vocational-Related Subjects							

[a]This category includes courses (or classes) for the gifted and talented, emotionally disturbed, socially maladjusted, and so on.

CHART D

FOLLOW-UP ON RECENT HIGH SCHOOL GRADUATES

_____, _____, _____
(SCHOOL) (DISTRICT) (COUNTY)

CLASS OF 19__

POST-GRADUATION ACTIVITY	FEMALE N=	FEMALE %	MALE N=	MALE %	TOTAL
EDUCATION					
Four-year College					
Two-year College					
Service Academy					
Other Type College					
Business or Secretarial School					
Cosmetology or Barber School					
Art School					
Nursing School					
Technical Trade/Vocational					
Industry Sponsored School					
Other Post-Secondary School					
High School Post Graduate and other Secondary School					
Apprenticeship Program					
On-the-Job Training Program					
EMPLOYMENT					
Professional, Tech., Managerial					
Clerical					
Sales and Service					
Farming, Fishery, Forestry					
Factory and Industrial					
Domestic Related					
GOVERNMENT					
Armed Forces					
Other Government Programs					

CHART E

SURVEY OF ATHLETIC EXTRACURRICULAR ACTIVITIES

_____, _____, _____
(NAME OF SCHOOL), (DISTRICT), (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES __ TO __

List all interscholastic or intramural athletic teams offered. Information for each team should include: (1) number of students participating by sex, (2) grade level, (3) length of season (weeks), (4) any student membership restrictions, (5) coach's sex and salary, (6) assistant coach's sex and salary, and (7) budget appropriations.

TEAMS	FEMALE N=	MALE N=	GRADE	SEASON	MEMBERSHIP RESTRICTION	COACH SEX	COACH SALARY	ASST. COACH SEX	ASST. COACH SALARY	BUDGET
Interscholastic										
Intramural										

CHART F

SURVEY OF NONATHLETIC EXTRACURRICULAR ACTIVITIES

_____, _____, _____
(NAME OF SCHOOL), (DISTRICT), (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES__ TO __

List all nonathletic extracurricular activities offered. Information for each activity should include: (1) number of students participating by sex, (2) grade level, (3) any student membership restrictions, (4) type of supervision (e.g. teacher receiving extra pay (P), teacher volunteer (V), or volunteer other than staff), and (5) level and source of funding (e.g., student dues, school budget).

ACTIVITY	FEMALE N=	MALE N=	GRADE	MEMBERSHIP RESTRICTION	SUPERVISION TEACHER P	SUPERVISION TEACHER V	SUPERVISION VOLUNTEER	FUNDING LEVEL	FUNDING SOURCE

CHECKLIST FOR MONITORING CONTINUING COMPLIANCE IN SCHOOL AND CLASSROOM PRACTICES

Yes	No	
		General (Section 86.31)
___	___	1. Are all requirements for completion of course offerings or courses of study, and for graduation applied without regard to sex?
___	___	2. Are policies and (more importantly) practices regarding rules of behavior, sanctions, and treatment the same for all students regardless of sex?
___	___	3. Are policies and (more importantly) practices regarding rules of appearance applied without regard to sex?
___	___	4. For all student service categories listed below, are students of either sex permitted and selected to participate in the following activities?
___	___	a. Hall Guard or Monitor
___	___	b. Street Crossing Guard
___	___	c. Audio-Visual Aides
___	___	d. Library Helpers
___	___	e. Lunchroom Helpers
___	___	f. Office Helpers
___	___	g. Other
		Comparable School Facilities (Section 86.33)
___	___	5. Are all facilities which are provided separately for each sex (e.g., toilet, locker room, and shower facilities) comparable?
		Access to Course Offerings (Section 86.34)
___	___	6. Are all classes offered and conducted on a coeducational basis?
___	___	a. Regular grade level classes
___	___	b. Physical education (other than during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other body contact sports) [22]
___	___	c. Health education (other than classes or portions of classes dealing exclusively with human sexuality) [23]
___	___	d. Industrial arts

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[22] See footnote 16 on page 22.

[23] See footnote 14 on page 21.

Yes	No		
___	___		e. Business
___	___		f. Vocational-Technical
___	___		g. Home economics
___	___		h. Music (other than chorus classes where selection is based on vocal range or quality)[24]
___	___	7.	Is enrollment in all courses proportionately represented by both boys and girls? (If not, prepare a list of the particular course(s) or specific class(es) which contain a substantially disproportionate number of individuals of one sex.)
___	___	8.	Since disproportionate sex course enrollment may indicate the existence of subtle forms of discrimination or bias, if the answer to the above question is "no," is an investigation underway to make sure that this situation is not a result of discrimination by counselors or in counseling materials?[25]
___	___	9.	If students are grouped by ability in coeducational physical education classes and activities, are objective standards of individual performance employed without regard to sex?
___	___	10.	Are the standards which are used to measure skill or progress in a coeducational physical education class such that they do not adversely effect members of one sex?

Access to Vocational Schools Operated by the District (Section 86.35)

___	___	11.	If the district operates a vocational education school(s), is it operated on a coeducational basis?
___	___	12.	Are all admissions and recruitment policies and criteria for admission nondiscriminatory?[26]
___	___	13.	Are the same courses, services, facilities, etc. offered to all students regardless of sex?

---

24 See footnote 15 on page 22.

25 See Section 86.36(c) of the Title IX regulation.

26 See Section 86.35(d), and Subpart C of the Title IX regulation.

Yes No

Access to Sex-Segregated Schools Operated by the District[27]

___ ___ 14. If the district operates any sex-segregated schools, are such schools provided for both female and male students?

15. If so, are all sex-segregated schools comparable in:

___ ___ a. Policies and criteria of admissions
___ ___ b. Courses
___ ___ c. Services
___ ___ d. Facilities
___ ___ e. Equipment

Counseling and Counseling Materials and Tests (Section 86.36)

___ ___ 16. Is the district (or individual school) taking action (e.g., conducting in-service training sessions and studies) to assure that if the following trends exist, they are not the result of stereotyping or discrimination on the basis of sex in counseling or testing materials, or by counselors?[28]

___ ___ a. Enrollment in any particular academic programs (e.g., general, business, college preparatory) is disproportionately represented by members of one sex.

___ ___ b. Enrollment in any particular classification (e.g., emotionally disturbed, socially maladjusted, gifted and talented) is disproportionately represented by members of one sex.

___ ___ c. Follow-up studies of the most recent high school graduates indicate that students entering post-secondary education institutions are selecting options which are traditionally associated with their sex.

___ ___ d. Follow-up studies of the most recent high school graduates indicate that students entering the labor market are choosing occupations which are traditionally associated with their sex.

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[27] Public sex-segregated schools are prohibited in New Jersey under the state regulation. Questions in this section should be omitted.

[28] Statistics revealing any of the trends listed may indicate the existence of subtle or indirect forms of discrimination or bias.

Yes	No		
___	___	17.	Are all tests (e.g., vocational inventory tests) and materials used for counseling purposes free of sex-role stereotyping and bias?
___	___	18.	If guidelines have been developed to ensure that all counseling materials and tests and their application are free of sex discrimination or bias, do they include the following items:[29]
___	___		a. Counselors should encourage students to consider seriously all programs of study and to make choices based on their interests and talents and not on their sex.
___	___		b. Counselors should encourage students to consider career options not traditionally associated with their sex.
___	___		c. Counselors should encourage students to apply to "top" colleges and business firms regardless of their sex.
___	___		d. Counselors should review all career and all other guidance and counseling materials received by the school for sex-bias statements and stereotyping.
___	___		e. Counselors should not use vocational preference tests or other instruments that have separate forms or separate marking keys for females and males.
___	___		f. Counselors should examine all standardized tests used by the schools for sex stereotyping in the content of problem statements.

Financial Assistance and Awards (Section 86.37)

___	___	19.	To ensure nondiscriminatory awards of financial assistance (e.g., scholarships and work-study programs) as required by the provisions of the Title IX regulation, are the following procedures adhered to and have they been established as policy by the district?
___	___		a. Criteria for determining selection, amount, and type of award is the same regardless of sex.
___	___		b. Any organization, person, or agency providing assistance to students in any manner which discriminates on the basis of sex is refused assistance.

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[29] In the absence of any existing guidelines, you should include as a recommendation that the counseling staff establish policy guidelines similar to the ones listed above.

Yes	No	
___	___	c. All scholarships, awards, or prizes which are not created by a will, trust, or similar legal instrument are not sex restricted.
___	___	d. To the extent that athletic scholarships are awarded, opportunities for such awards are provided for members of each sex in proportion to the number of students of each sex participating in interscholastic athletics.[30]

Employment Assistance to Students (Section 86.38)

___	___	20. If a work-study program is offered, is the same list of employment opportunities available to all students regardless of sex?
___	___	21. Is a thorough study routinely conducted of all agencies, organizations, or persons offering student employment to ensure that such employers do not discriminate on the basis of sex in their employment practices?
___	___	22. Are all agencies, organizations, or persons offering student employment required to sign a statement acknowledging that they do not discriminate on the basis of sex in their employment practices?
___	___	23. If students are employed by the district, are all employment policies and practices consistent with nondiscriminatory employment requirements of the Title IX regulation in the following areas:
___	___	a. Criteria for selection
___	___	b. Salary
___	___	c. Fringe benefits
___	___	d. Marital or parental status

Health and Insurance Benefits (Section 86.39)

___	___	24. Are benefits (such as medical, and accident insurance) which are offered to students, comparable regardless of sex?

---

[30] Separate athletic scholarships for members of each sex may be provided to members participating in separate teams as permitted by the Title IX regulation. See Section 86.37(c)(2), and Section 86.41.

Yes No

Marital or Parental Status of Students and Related Matters (Section 86.40)

___ ___ 25. Are pregnant students permitted to continue attending regular classes and activities?

___ ___ 26. Are married students (with or without a family) permitted to continue attending regular classes and activities?

___ ___ 27. If pregnant students are required to obtain certification from a physician in order to continue participating in the normal educational programs or activities, is this also required of all students with other physical and emotional conditions requiring the attention of a physician?

___ ___ 28. If the school operates a separate educational program or activity for pregnant students, is admittance voluntary on the part of the student?

___ ___ 29. In a separate instructional program for pregnant students is the instructional program offered comparable to that offered to nonpregnant students?

___ ___ 30. If a pregnant student elects to leave school for a period of time determined by her physician, is she re-admitted to the status which she held when the leave began?

Interscholastic, Club or Intramural Athletics (Section 86.41)

___ ___ 31. Except where selection for teams is based upon competitive skills or where the activity involved is a contact sport (e.g., boxing, wrestling, rugby, ice hockey, football) are all students regardless of sex eligible to participate in all athletic activities?[31]

___ ___ 32. If the school sponsors a team in a particular sport for one sex but not the other, are members of the excluded sex permitted to try out for the team?[32]

___ ___ 33. Does the school's selection of sports and levels of competition reflect the interests and abilities of both its female and male students?

___ ___ 34. Do all athletic activities (but especially where comparable activities are offered separately on the basis of sex) receive equitable treatment with regard to the following:[33]

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[31] See footnote 17 on page 22 for compliance deadlines and exceptions pertaining to New Jersey.

[32] In general this will likely apply only to girls trying out for boys' teams and not vice versa (Section 86.41(b)).

[33] Equal aggregate expenditures are not required, but may be considered if the district fails to provide necessary funds for teams of one sex.

Yes	No		
___	___		a. Purchase and maintenance of equipment and supplies;
___	___		b. Scheduling of games and practice time;
___	___		c. Travel and per diem allowance;
___	___		d. Opportunity to receive coaching and academic tutoring;
___	___		e. Assignment and compensation of coaches, tutors, and other staff;
___	___		f. Provision of locker rooms, practice, and competitive facilities;
___	___		g. Provision of medical and training facilities and services;
___	___		h. Publicity.

Access to Nonathletic Extracurricular Activities (Section 86.31)

___	___	35.	Is participation in all nonathletic extracurricular activities open to all students without regard to sex?
___	___	36.	Do all extracurricular activities receive equitable treatment with regard to:
___	___		a. Level of funding;
___	___		b. Assignment and compensation of staff advisors;
___	___		c. Facilities and equipment;
___	___		d. Publicity; and
___	___		e. Allocation of resources.
___	___	37.	If nonschool agencies or organizations offer extracurricular activities to students, has the school closely examined their practices to ensure that they do not discriminate on the basis of sex?
___	___	38.	Does the school require agencies or organizations mentioned in the above question to sign a statement that they do not discriminate on the basis of sex?

Yes No

Textbooks, Curricular Material, and Library Material (Section 86.42)[34]

___ ___ 39. Have all courses of study, textbooks and other instructional materials currently in use been evaluated and screened for sex stereotyping and bias?

___ ___ 40. Have all new instructional materials been reviewed for sex discriminatory portrayals?

___ ___ 41 Have members of the curriculum development staff developed materials to supplement old materials which portray sex-role stereotypes?

___ ___ 42. Are programs or courses in women's studies included in the elementary and secondary curriculum?

___ ___ 43. Are efforts being made to involve the community in the process of approving courses of study, instructional materials, and programs designed to eliminate sex stereotyping and bias?

___ ___ 44. Do procedures and criteria for making curriculum decisions for the individual classes and broader programs of study reflect efforts to eliminate sex biases in all programs of instruction?

___ ___ 45. Are courses titles free of generic man or male pronouns (e.g., "The Study of Man and the World Around Him")?

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[34] The Title IX regulation does not cover sex stereotyping in textbooks, curricular material, or library material. Federal involvement in this area is viewed as both highly questionable from a constitutional standpoint and inappropriate. However, as noted in the Preamble to the regulation, the Department of Health, Education and Welfare does recognize that sex stereotyping in textbooks and curricular materials is a serious matter and assumes that schools will deal with this problem in the exercise of their general authority and control over curricula and course content.

Accordingly, the state regulation for New Jersey does include a provision for eliminating sex bias from curricula and educational materials. Specifically, it states that "Each Board of Education shall adopt and approve courses of study, instructional materials, and programs designed to eliminate discrimination. . ." and encourages community involvement in the process (NJAC 6:4-1.3(e)). Also included is a provision requiring local school districts to evaluate courses of study and materials already in use, and to supplement them as necessary (NJAC 6:4-1.3(f)). A separate checklist for evaluating textbooks begins on page 47.

In answering questions in this section, you should keep in mind that noncompliance in this area must be dealt with at the local and state level.

Yes	No		
___	___	46.	Using the textbook list as a guide, do courses include content by and about women?
___	___	47.	Does the school have a list of approved nonsexist textbooks and other instructional materials available to parents, students, and staff?
___	___	48.	Is it no longer the practice to designate sections of the school library or selected books "for boys" of "for girls"?
___	___	49.	Does the school library include materials which discuss psychology, sociology, economics, political science, and history from feminist viewpoints?
___	___	50.	Does the school library include a significant number of biographies and autobiographies by and about women.
___	___	51.	Does the school library include materials which portray women favorably in roles other than wife, mother, or other traditional female occupations?
___	___	52.	Does the school library subscribe to and make available feminist periodicals and publications?
___	___	53.	Do library materials on career choices offer a wide variety of options for both boys and girls? (Suggested careers should not be designated "for boys" or "for girls.")
___	___	54.	Are new library materials reviewed and evaluated for sex stereotyping? (By whom?)

CHECKLIST FOR EVALUATING TEXTBOOKS

This checklist is provided to assist you in determining the degree to which sex stereotyping and bias exist in textbooks and other instructional materials used in the schools.[35]

Although the textbook evaluation checklist is primarily designed for analyzing elementary reading textbooks, it can be modified easily to apply to all kinds of instructional materials in any curriculum area at any grade level.

Your selection of textbooks for evaluation should include a sampling from the elementary school, middle-junior high school, and senior high school textbook lists. Textbooks which are used by the greatest number of students should be selected based on course or grade enrollment figures. You should also include a sampling of books being considered for purchase. Books and other materials in school libraries should also be included. For each textbook (or other instructional materials) selected, a checklist should be completed.

Checklist results should be submitted to the district's affirmative action officer and to the textbook evaluation committee (which should be composed of both community members and school personnel). Also, copies of your results with a letter of explanation should be sent to the publisher of the textbook.

For each "no" answer, examples and page numbers should be cited. Also, be sure to include the following information for each textbook selected:

1. Subject Area
2. Book Title
3. Series
4. Publisher
5. Copyright Date
6. Grade Level

In general, a textbook (or other instruction materials) is sex biased if the answer to any of the following statements is "no."

Yes	No	
___	___	1. All members of the family participate regularly and equally in household chores.
___	___	2. There are favorable presentations of mothers employed outside the home.
___	___	3. Women shown as working outside of the home hold administrative, technical, and skill labor jobs. They are not all teachers, librarians, social workers, nurses or secretaries.

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[35] This checklist was adapted from the Self-Study Guide to Sexism in the Schools prepared by the Education Committee of Pennsylvanians for Women's Rights and the Pennsylvania Department of Education, 1974.

Yes	No		
___	___	4.	Fathers take an active and competent part in housekeeping and child-rearing and are depicted as showing feelings of tenderness.
___	___	5.	Boys and girls participate equally in physical activities. (To answer this and the next statement, list separately by sex the types of activities mentioned in the book on a separate sheet.)
___	___	6.	Boys and girls participate equally in intellectual activities.
___	___	7.	One-parent families are portrayed, and the portrayal does not suggest that children with a single parent automatically suffer from it.
___	___	8.	Female figures are proud and happy to be females.
___	___	9.	Female and male characters respect each other as equals.
___	___	10.	Both boys and girls are shown to be self-reliant, clever and brave — capable of facing their own problems and finding their own solutions.
___	___	11.	Multiple-parent families (divorced, remarried) are portrayed and the portrayal does not suggest that such family conditions are automatically damaging to the children.
___	___	12.	There are no unchallenged derogatory sex-stereotyped characterizations, such as "Boys make the best architects," or "Girls are silly."
___	___	13.	Both boys and girls are shown as having a wide range of sensibilities, feelings, and responses.
___	___	14.	Both boys and girls have a wide variety of career options. (To answer this question, list separately the occupations of the female and male characters in this book on a separate sheet.)
___	___	15.	Adults who have chosen not to marry are portrayed favorably.
___	___	16.	There are equal numbers of stories with boys and girls as central characters. (Total number with female characters: ___; total number with male characters: ___.)
___	___	17.	The male noun or pronoun (mankind, he) is not used to refer to all people.
___	___	18.	Girls' accomplishments, not their clothing or features, are emphasized.
___	___	19.	Clothing and appearance are not used to stereotype characters.

Yes	No	
___	___	20. Nonhuman characters and their relationships are not personified in sex stereotypes (for example, depicting dogs as masculine, cats as feminine).
___	___	21. (For readers which incorporate biographies. . .) Biographies of women in a variety of roles are included. Total number of biographies about men: ___; about women: ___.
___	___	TOTAL SEX-BIASED SCORE

22. Indicate number of stories which, in your opinion, are unacceptable. _____
Cite page numbers of several unacceptable illustrations and dialogue.

23. Overall evaluation: ____excellent ____good
____acceptable ____unacceptable

24. Additional comments:

MONITORING CONTINUING COMPLIANCE IN EMPLOYMENT PRACTICES

Materials to be reviewed before completing the checklist in this section:

1. Affirmative action plans developed by the district.
2. Organizational chart of school system personnel both district-wide and within individual schools.
3. Copies of all policies relating to the granting of leaves of absence, including those for temporary disabilities, and for pregnancy and related conditions.
4. Copies of the salary schedules for professional and nonprofessional employees.
5. Descriptions of all training programs operated or sponsored by the district and criteria for selecting participants.
6. Descriptive recruitment brochures for prospective employees.
7. Copy of the contract between individual teachers and the local board.
8. Copies of all collective bargaining agreements.
9. Copies of all fringe benefit policies or plans offered by or administered by the district (e.g., medical, hospital, accident, life insurance or retirement benefits, service policy or plan, leave and any other benefit or service to employment).
10. Copies of job application forms for both full- and part-time employment and for professional and nonprofessional positions.
11. Lists of criteria used by the district for employment purposes and copies of any tests or other selection instruments.
12. Current and proposed school district budgets.

Data to be reviewed before completing the checklist in this section:

1. Number and percentage of district employees by sex for each major job classification and by salary range and average salary. This information should be recorded on Chart G. (If you are conducting a compliance study at the local school level, this information should be reviewed for each individual school and recorded on Chart H.)

2. Statistical reports based on the district's self-evaluation. This might include the following:

   a. Analysis of External Labor Market;
   b. Analysis of Underutilization Areas;[36]
   c. Analysis of Areas of Concentration;[37]
   d. Analysis of Applicant Flow Data (to include sex of applicant, relevant qualifications or lack thereof, and hiring decision made for both professional and nonprofessional personnel);
   e. Analysis of Promotion Data (professional and nonprofessional);
   f. Analysis of Transfer Data (professional and nonprofessional);
   g. Analysis of Termination Data (professional and nonprofessional); and
   h. Analysis of salaries in relation to job position, background, and years of service.

3. Number and percentage of personnel by sex participating in training programs sponsored or operated by the district.

4. List of all institutions and agencies used for employment recruitment or referral.

5. List of travel funds expended by staff (by sex) during the past year.

6. District (or individual school) summary of all extracurricular assignments undertaken by staff (e.g., coach, advisor) by sex, rate of compensation, and method of selection or designation (e.g., volunteer, appointed, special recruitment). This information should be recorded on Chart I.

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[36] See footnote 20 on page 26.

[37] See footnote 20 on page 26.

CHART G

SURVEY OF SCHOOL DISTRICT EMPLOYEES

_____ (DISTRICT) _____ (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES__ TO__

POSITION HELD[a]	FEMALE N=	FEMALE %	MALE N=	MALE %	SALARY RANGE	SALARY AVERAGE
ADMINSTRATORS AND SUPERVISORS						
Superintendent						
Assistant Superintendent						
Assistant to the Superintendent						
School Business Administrator						
District Supervisors and Directors						
Building Principals						
Preschool & Elementary						
Middle-Junior High						
Senior High						
Vocational-Technical						
Building Assistant Principals						
Preschool & Elementary						
Middle-Junior High						
Senior High						
Vocational-Technical						
CLASSROOM TEACHERS						
Preschool						
Kindergarten						
Primary (1-3)						
Upper Elementary (4-6)						
Middle-Junior (7-8 or 7-9)						
Senior High (9-12 or 10-12)						
Vocational-Technical						

[a]Because of the diversity of positions and assignments among school districts, this listing may not include or categorize appropriately all positions in your district. It may be necessary, therefore, to adapt the list to include your district's specific categories. Also, if any positions held are part time, please indicate.

CHART G (CON'T)

POSITION HELD	FEMALE N=	FEMALE %	MALE N=	MALE %	SALARY RANGE	SALARY AVERAGE
SPECIAL SERVICES PERSONNEL Guidance Counselors						
Librarians						
Special Education[b]						
Health Related Personnel[c]						
SUPPORT STAFF Cafeteria Workers						
Nonteaching health, library, and teacher aides						
Secretarial and Clerical						
Transportation						
Security						
Trainer/Equipment Managers						
Maintenance						

[b]This category includes remedial and learning disabilities specialists, occupational and physical therapists, and so on.

[c]This category includes nurses, physicians, and so on.

CHART H

SURVEY OF INDIVIDUAL SCHOOL EMPLOYEES

_____, _____, _____
(NAME OF SCHOOL), (DISTRICT), (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES__ TO__

POSITION HELD[a]	FEMALE		MALE		TOTAL	SALARY	
	N=	%	N=	%		RANGE	AVERAGE
ADMINISTRATORS AND SUPERVISORS Principal							
Vice Principal(s)							
Subject Supervisors							
Directors, Supervisors, Coordinators							
CLASSROOM TEACHERS Preschool							
Kindergarten							
Primary (1-3)							
Upper Elementary (4-6)							
Middle-Junior High (7-8 or 7-9)							
Senior High (9-12 or 10-12)							
SPECIAL SERVICES PERSONNEL Guidance Counselors							
Librarians							
Special Education[b]							
Health Related Personnel[c]							

[a]Because of the diversity of position and assignments among local schools, this listing may not include or categorize appropriately all positions in your schools. It may be necessary, therefore, to adapt the list to include your local school's specific categories.

[b]This category includes remedial and learning disabilities specialists, occupational and physical therapists, and so on.

[c]This category includes nurses, physicians, and so on.

CHART H (CON'T)

POSITION HELD	FEMALE		MALE		TOTAL	SALARY	
	N=	%	N=	%		RANGE	AVERAGE
SUPPORT STAFF Cafeteria Workers							
Nonteaching health, library, & teacher aides							
Maintenance							
Secretarial & Clerical							
Transportation							
Security							
Trainer/Equipment Manager							
Other than above (specify)							

CHART I

SURVEY OF EXTRACURRICULAR STAFF ASSIGNMENTS

_____, _____, _____
(NAME OF SCHOOL), (DISTRICT), (COUNTY)

SCHOOL YEAR 19__ TO 19__ GRADES__ TO __

EXTRACURRICULAR ASSIGNMENT	FEMALE		MALE		TOTAL	COMPENSATION		METHOD OF SELECTION
	N=	%	N=	%		RANGE	AVERAGE	
INTERSCHOLASTIC ATHLETICS Head Coaches								
Assistant Coaches								
Other (specify)								
INTRAMURAL ATHLETICS Head Coaches								
Assistant Coaches								
Other(specify)								
NONATHLETIC CLUBS Advisors								
Other (specify)								

CHECKLIST FOR MONITORING CONTINUING COMPLIANCE IN EMPLOYMENT PRACTICES

Yes	No	
		Training Programs (Section 86.51)
___	___	1. Are opportunities for all training programs (including conferences and professional meetings), staff development opportunities, tuition grants, and other compensation to prepare employees for advancement equally available to men and women?
		Employment Criteria (Section 86.52)
___	___	2. Are all tests and other criteria for purposes of employment administered without regard to sex?
___	___	3. Have all tests or other criteria used for employment, which were found to have a disproportionately adverse effect on persons of one sex, been reviewed and proven to be valid predictors of job performance?
		Recruitment and Hiring (Section 86.53)
___	___	4. Are all recruitment and hiring policies (including nepotism policies) applied without regard to sex?
___	___	5. Is there an affirmative effort to recruit women for job categories where they are underrepresented?
		Compensation (Section 86.54)
___	___	6. For jobs which require equal skill, effort, and responsibility, and are performed under similar working conditions, is the payment of wages the same for both men and women? (This includes compensation for the same type of extracurricular assignments.)
		Job Classification and Structure (Section 86.55)
___	___	7. Are all jobs classified without regard to sex (except where sex is a bona fide occupational requirement)?
___	___	8. Are promotion policies, seniority lists, career ladders, and tenure systems, and the like established and applied without regard to sex?
___	___	9. Do staff assignments for each job category suggest a pattern comparable to the relevant labor pool?
		Fringe Benefits (Section 86.56)
___	___	10. Are fringe benefits, which are available to employees (and to spouse, family or dependents) comparable regardless of sex? This includes:

Yes	No		
___	___		a. Medical
___	___		b. Hospital
___	___		c. Accident
___	___		d. Life insurance
___	___		e. Retirement or pension
___	___		f. Leave (medical, sabbatical, emergency, administrative, and educational)
___	___	11.	If the district administers, operates, offers, or participates in fringe benefit programs which provide either periodic benefit payments (e.g., disability pay) or contributions to a plan, are they equal regardless of sex?
___	___	12.	Does the pension or retirement plan administered, operated or offered by the district establish the same optional or compulsory retirement age regardless of sex?

Marital or Parental Status and Related Matters (Section 86.57)

___	___	13.	Are district employment policies concerning potential marital, parental or family status of an employee or applicant applied without regard to sex?
___	___	14.	Are pregnancy and related conditions (childbirth, false pregnancy, termination of pregnancy, and recovery therefrom) treated as any other temporary disability for purposes of leave, seniority, reinstatement, and other employment benefits?
___	___	15.	In the absence of any leave policy, are employees who take leave for reasons of pregnancy and related conditions, reinstated to the status or comparable position held when leave began without loss of any rights of employment?

Advertising (Section 86.59)

___	___	16.	Are announcements and any advertising related to employment free of reference to preference, limitation, specification or discrimination based on sex (unless sex is a bona fide occupational qualification)?

Pre-employment Inquiries (Section 86.60)

___	___	17.	Do job application forms avoid any reference to applicant's marital status or sex (except as noted below)?

Sex as a Bona fide Occupational Qualification (Section 86.61)

___	___	18.	Are all jobs which are classified for males or for females only based on consideration that sex of the employee is essential to the successful performance of the position concerned? (For example, employee's sex may be a consideration in relation to employment in a locker room used only by members of one sex.)

A FINAL NOTE

Because ELC focuses primarily on the concerns of education consumers in New Jersey and Pennsylvania, we would be interested in receiving copies of checklist results, reports or recommendations, and formal complaints prepared by residents in both states. If the response is sufficient, we will periodically share the information with others through ELC's newsletter.

Education Law Center, Inc.

Suite 800
605 Broad Street
Newark, N.J. 07102

201-624-1815

2100 Lewis Tower Building
225 South 15th Street
Philadelphia, Pa. 19102

215-732-6655